

### **REMARKS**

Applicant wishes to thank the Examiner for the attention accorded to the instant application, and respectfully requests reconsideration of the application as amended.

### **Formal Matters**

Claims 1, 5, 6, 11-13 and 21-23 are pending in the application. Claims 21-23 are amended to recite "non-transitory computer readable recording medium comprising a control program". Care has been taken to ensure no new matter is being entered.

Applicant respectfully requests that this amendment be entered into the application.

### **Rejection of Claims Under 35 U.S.C. §101**

Claims 21-23 are rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter. These claims are amended herein to recite that the control program, or program product, is tangibly embodied in physical medium. Hence the claims recite statutory subject matter of non-transitory computer readable recording medium on which a computer program is embedded. Thus, withdrawal of this rejection is respectfully requested.

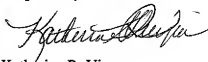
### **Allowable Subject Matter**

Claims 1, 5-6 and 11-13 are allowed.

Conclusion

For at least the reasons set forth in the foregoing discussion, Applicant believes that the Application is now allowable, and respectfully requests that the Examiner reconsider the rejection and allow the Application. Should the Examiner have any questions regarding this Amendment, or regarding the Application generally, the Examiner is invited to telephone the undersigned attorney.

Respectfully submitted,



Katherine R. Vieyra  
Registration No. 47,155

Scully, Scott, Murphy & Presser, P.C.  
400 Garden City Plaza, Suite 300  
Garden City, New York 11530  
(516) 742-4343

KRV:ch